

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MOISES VILLALOBOS,

Plaintiff,

v.

RAMCAST ORNAMENTAL SUPPLY
COMPANY, INC.; ISMAEL RAMIREZ AS
GENERAL PARTNER OF RAMIREZ
PROPERTIES, A GENERAL PARTNERSHIP;
and DOES 1 to 10,

Defendants.

Case No.: 2:25-cv-02384-MEMF-AS

**ORDER TO SHOW CAUSE WHY THE
COURT SHOULD NOT DECLINE TO
EXERCISE SUPPLEMENTAL
JURISDICTION OVER PLAINTIFF'S
STATE LAW CLAIMS**

On March 18, 2025, Moises Villalobos filed a Complaint against Ramcast Ornamental Supply Company, Inc; Ismael Ramirez as general partner of Ramirez Properties, a general partnership; and DOES 1 to 10 (collectively, "Defendants"), asserting: (1) a claim for injunctive relief arising out of an alleged violation of the Americans with Disabilities Act ("ADA"), 42 U.S.C. §§ 12010–12213; (2) a claim for damages pursuant to California's Unruh Civil Rights Act ("Unruh Act"), Cal. Civ. Code §§ 51–52, *et seq.*; (3) a claim for damages pursuant to the California Disabled Persons Act, Cal. Civ. Code §§ 54, *et seq.*; (4) a claim for damages and injunctive relief based on California Health and Safety Code § 19955, *et seq.*; (5) a claim for damages for negligence. ECF No.

1 1. The Complaint alleges that this Court has jurisdiction over the ADA claim pursuant to 28 U.S.C.
2 §§ 1331 and 1343, and that the state law claims are brought “pursuant to pendant [sic] jurisdiction.”
3 *Id.* at ¶¶ 6–7.

4 Principles of pendent jurisdiction have been codified in the supplemental jurisdiction statute,
5 28 U.S.C. § 1367. The supplemental jurisdiction statute “reflects the understanding that, when
6 deciding whether to exercise supplemental jurisdiction, ‘a federal court should consider and weigh in
7 each case, and *at every stage of the litigation*, the values of judicial economy, convenience, fairness,
8 and comity.’” *City of Chicago v. Int’l Coll. of Surgeons*, 522 U.S. 156, 173 (1997) (emphasis added)
9 (quoting *Carnegie-Mellon Univ. v. Cohill*, 484 U.S. 343, 350 (1988)).

10 California law sets forth a heightened pleading standard for a limited group of lawsuits
11 brought under the Unruh Act. *See* Cal. Civ. Proc. Code §§ 425.55(a)(2) & (3). The stricter pleading
12 standard requires certain plaintiffs bringing construction-access claims like the one in the instant
13 case to file a verified complaint alleging specific facts concerning the plaintiff’s claim, including the
14 specific barriers encountered or how the plaintiff was deterred and each date on which the plaintiff
15 encountered each barrier or was deterred. *See* Cal. Civ. Proc. Code § 425.50(a). A “high-frequency
16 litigant fee” is also imposed on certain plaintiffs and law firms bringing these claims. *See* Cal. Gov’t
17 Code § 70616.5. A “high-frequency litigant” is “a plaintiff who has filed 10 or more complaints
18 alleging a construction-related accessibility violation within the 12-month period immediately
19 preceding the filing of the current complaint alleging a construction-related accessibility violation”
20 *and* “an attorney who has represented as attorney of record 10 or more high-frequency litigant
21 plaintiffs in actions that were resolved within the 12-month period immediately preceding the filing
22 of the current complaint alleging a construction-related accessibility violation.” Cal. Civ. Proc. Code
23 §§ 425.55(b)(1) & (2). High frequency litigants are also required to state: (1) whether the complaint
24 is filed by, or on behalf of, a high-frequency litigant; (2) in the case of a high-frequency litigant who
25 is a plaintiff, the number of complaints alleging construction-related accessibility claim filed by the
26 high-frequency litigant during the 12 months prior to filing the instant complaint; (3) the reason the
27 individual was in the geographic area of the defendant’s business; and (4) the reason why the
28 individual desired to access the defendant’s business.” *See id.* § 425.50(a)(4)(A).

1 In light of the foregoing, the Court orders Moises Villalobos to show cause in writing why
2 the Court should exercise supplemental jurisdiction over the Unruh Act claim, the California
3 Disabled Persons Act claim, the California Health and Safety Code claim, and the negligence claim.
4 *See* 28 U.S.C. § 1367(c). In responding to this Order to Show Cause:

- 5 1. Moises Villalobos shall identify the amount of statutory damages Moises Villalobos seeks to
6 recover.
- 7 2. Moises Villalobos and Moises Villalobos' counsel shall also support their responses to the
8 Order to Show Cause with declarations, signed under penalty of perjury, providing all facts
9 necessary for the Court to determine if they satisfy the definition of a "high-frequency
10 litigant" as provided by California Code of Civil Procedure §§ 425.55(b)(1) & (2). This
11 includes, but is not limited to:
 - 12 a. the number of construction-related accessibility claims filed by Moises Villalobos in
13 the twelve months preceding the filing of the present claim; and
 - 14 b. the number of construction-related accessibility claims in which Moises Villalobos'
15 counsel has represented high-frequency litigant plaintiffs in the twelve months
16 preceding the filing of the present claim.

17 Moises Villalobos shall file a Response to this Order to Show Cause by no later than fourteen
18 days from the date of this order. The failure to timely or adequately respond to this Order to Show
19 Cause may, without further warning, result in the Court declining to exercise supplemental
20 jurisdiction over the Unruh Act claim, the California Disabled Persons Act claim, the California
21 Health and Safety Code claim, and the negligence claim pursuant to 28 U.S.C. § 1367(c).

22
23 **IT IS SO ORDERED.**

24
25 Dated: April 3, 2025



26 MAAME EWUSI-MENSAH FRIMPONG

27 United States District Judge
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